

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

JANUARY 5, 1999

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Richard Carpenter, Vice President
Ron Alvarado, Member
Lorrie I. Ward, Member

2. REPORT OF THE EXECUTIVE OFFICER

The Board was advised of the following:

- A. Board staff will be meeting with the new Agency Secretary Aileen Adams and also the new Director of the Department of Personnel Administration Marty Morgenstern to provide an overview of our areas of interest and future directions.
- B. The Board filed a lawsuit seeking to declare provisions of the Unit 8 bargaining agreement that provide for binding arbitration or discipline without Board review unconstitutional. Implementation of this contract provision will be delayed until the hearing by the court. The parties have agreed to meet in January to discuss resolution.

- C. Selection of the Appeals Division Chief is expected in two weeks.

3. REPORT OF THE CHIEF COUNSEL

The Chief Counsel reported on:

Litigation

- A. State Personnel Board (SPB) v. Department of Personnel Administration (DPA) et al. - On December 18, 1998, the State Personnel Board filed its lawsuit against DPA, the Department of Forestry, and CDF Firefighters challenging the constitutionality of those provisions of the Unit 8 Memorandum of Understanding (MOU) and the implementing legislation that prevent the SPB from exercising its constitutional mandates to "review discipline," protect merit, and enforce the civil services laws. The suit seeks a writ of mandate and injunctive and declaratory relief to preclude implementation of the offending provisions.
- B. At a December 23, 1998 hearing on SPB's Motion for a Temporary Stay and Alternative Writ, the respondents agreed to stay implementation of the challenged provisions until after a hearing on the petition/complaint which the court set for February 19. In the meantime, the parties will be meeting to discuss options for settlement.
- C. Safieslamy v. State Personnel Board - The Superior Court issued an order sustaining, without leave to amend, SPB's demurrer to the third amended complaint, which contained 17 causes of action some of which named SPB and Dr. Stephen Weyers, the State Medical Officer.
- D. Casado v. SPB (SPB Dec. No. 98-01) - Judge Ronald Robie upheld the Board's precedential decision in this case.

Other

- A. OAL Determination No. 29 - We have received responses to our response to the Determination from CCPOA, CSEA, and ACSA/CAPS/PECG.

4. REPORT ON LEGISLATION

The Board was advised of the following:

- A. January 22, 1999 is the last day to submit bill to Legislative Counsel. I'm seeking authors for the Boards' Legislative package.
- B. All members of the Legislature have been sent a congratulation or welcome back letter and a copy of the Boards' report on Achievements and Innovations.

5. ORAL ARGUMENT

Oral argument in the matter of **LINDA J. GRIER**, Case No. 97-3213. Appeal from medical demotion. Department of Health Services.

Persons Participating:

Kathleen O'Connor, Labor Relations Representative, California State Employees Association, representing appellant
Dwight V. Nelsen, Senior Counselor, Department of Health Services, representing Department

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of **CHRISTINE RUELAS**, Case No. 36860. Appeal from medical termination. State Board of Control.

ACTION: SUBMITTED - Oral argument waived and written argument presented to Board.

7. ORAL ARGUMENT

Oral argument in the matter of **CHARLES T. COOK**, Case No. 97-4596. Appeal from dismissal. Employment Development Department.

Persons Participating:

Michael D. Hersh, Attorney, California State Employees Association, representing appellant

Andrew B. Pollak, Staff Counsel, Employment Development
Department, representing Department

ACTION: Submitted

8. PROPOSED MODIFICATION TO PERSONNEL SERVICES CONTRACTS
REGULATIONS

Persons Participating:

Karen Brandt, Staff Counsel, California State Personnel Board
James Corn, Attorney at Law, Consulting Engineers and Land
Surveyors of California

Steven B. Bassoff, Labor Relations Counsel, Professional
Engineers in California Government, California Association of
Professional Scientists, and Association of California State
Attorneys and Administrative Law Judges

ACTION: On January 5, 1999, the State Personnel Board adopted
a modified version of Sections 547.60, 547.61, 547.62, 547.63,
547.64, 547.65, 547.66, 547.67 and 547.68 in Title 2, Article
29, of the California code of Regulations relating to personal
services contracts as contained in Attachment 1. (See pages
22-28 for attachment)

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

9. ORAL ARGUMENT

Oral argument in the matter of **JANET E. MOOREHEAD**, Case No.
97-1989. Appeal from 60 calendar days suspension. Department
of Corrections.

Persons Participating:

Ina A. Arnold, Senior Hearing Representative, California
Correctional Peace Officers Association, representing
appellant

Greg Nicholas, Staff Counsel, Department of Corrections,
representing Department

ACTION: Submitted

10. ORAL ARGUMENT

Oral argument in the matter of **MICHAEL D. BUNNELL**, Case No.
96-2675. Appeal for determination of back salary, benefits,
and interest after reinstatement. Department of Corrections.

Persons Participating:

M. Bradley Wishek, Attorney at Law, Rothschild, Wishek &
Sands, representing appellant
Paul D. Warenski, Attorney at Law, Schachter, Kristoff,
Orenstein & Berkowitz, representing Department of Corrections

ACTION: Submitted

BOARD ACTIONS

11. STATE PERSONNEL BOARD SUMMARY MINUTES OF
DECEMBER 8, 9, 10, 1998

ACTION: Adopted on January 5, 1999.
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

12. ACTION ON SUBMITTED ITEMS

ACTION: (See pages 17-18)

13. ADMINISTRATIVE LAW JUDGE CASES

On January 5, 1999, the Board adopted the following decisions
presented by Elise Rose, Chief Counsel, California State
Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

REJECTED AND REMANDED DECISIONS

JEFFREY L. BROWN, CASE NO. 98-1368
Appeal from 309 calendar days suspension
Department of Corrections
ACTION: Suspension Revoked

GARY A. GREEN, CASE NO. 98-0324
Appeal from dismissal
Franchise Tax Board
ACTION: Dismissal Sustained

PROPOSED DECISIONS

GARY ROACH, CASE NO. 98-2656
Appeal from dismissal
Department of Mental Health
ACTION: Dismissal Sustained

TERRANCE Q. WHITTAKER, CASE NO. 98-3740
Appeal from rejection
Department of Motor Vehicles
ACTION: Appeal Denied and Action Affirmed

KEITH M. TRIGG, CASE NO. 98-3117
Appeal from 2-step reduction in Salary for 12 months
Department of Corrections
ACTION: Reduction in Salary Modified to 1 Step for 6 Months

HECTOR ZAPEDA, CASE NO. 98-3167
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Sustained

ELBERT RHODES, CASE NO. 98-3169
Appeal from dismissal
Department of Corrections
ACTION: Adverse Action Dismissed and Appeal Dismissed

RAQUEL M. NICHOLSON, CASE NO. 97-1920
Appeal from dismissal
Department of Consumer Affairs
ACTION: Dismissal Modified to 30 Days Suspension

J. DONALD STORMS, CASE NO. 98-1838
Appeal from official reprimand
Department of Mental Health
ACTION: Official Reprimand Revoked

BRADLEY P. ONCKEN, CASE NO. 98-1835
Appeal from 3 months suspension
Department of the Youth Authority
ACTION: 3 Months Suspension Modified to 10 Working Days
Suspension

KAREN PLATT, CASE NO. 98-3573
Appeal from demotion
Department of Motor Vehicles

KAREN PLATT, CASE NO 98-3573
Demotion from Key Data Operator to Office Assistant
sustained without modification for exceeding the standard
error rate, constituting inefficiency and inexcusable
neglect of duty.
ACTION: Demotion Sustained

RUSSELL W. LEMSTROM, CASE NO. 98-0008
Appeal from dismissal
Department of Transportation
ACTION: Dismissal modified to 1 year Suspension

BETTY CAREY, CASE NO. 98-2788
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Sustained

ROBIN C. HARDIMAN, CASE NO. 98-3126
Appeal from dismissal
Department of Food and Agriculture
ACTION: Dismissal Sustained

ROBERT LINEBERRY, CASE NO. 98-2649
Appeal from dismissal
Department of Corrections
ACTION: Dismissal Sustained

BEHNAZ PARVIZI, CASE NO. 98-2994
Appeal from dismissal
Franchise Tax Board
ACTION: Dismissal Sustained

PAUL W. NORMAN, CASE NO. 98-3508
Appeal from 2 days suspension
Department of California Highway Patrol
ACTION: Suspension Sustained

DARRELL J. DICKEY, CASE NO. 98-3478
Appeal from 2 days suspension
Department of California Highway Patrol
ACTION: Suspension Sustained

DARREN H. BOBELLA, CASE NO. 98-2584
Appeal from official reprimand
Department of Corrections
ACTION: Official Reprimand Sustained

JIMMIE L. CARTER, CASE NO. 98-2125
Appeal from dismissal
Department of General Services
ACTION: Dismissal Revoked

THOMAS W. HILL, CASE NO. 98-3490
Appeal from 5 working days suspension
Department of Corrections
ACTION: Suspension Modified to Official Reprimand

BUD McALISTER, CASE NO. 98-1703

Appeal from dismissal

State Board of Equalization

ACTION: Dismissal Sustained

LINDA N. MORA, CASE NO. 98-3866

Appeal from termination under Rule 282

Department of General Services

ACTION: Request Denied to remove "With Cause"

Designation from Termination

FRANK COSTELLO, CASE NO. 98-2798

Appeal from 10 working days suspension

Employment Development Department

ACTION: Working Days Modified to 5 Working Days Suspension

EDWARD J. RANDLE, CASE NO. 98-0993

Appeal from 60 working days suspension

Department of Transportation

ACTION: Suspension Sustained

KAREN REIDENBAUGH, CASE NO. 98-2194

Appeal from rejection

Department of Mental Health

ACTION: Rejection Affirmed and Appeal Denied

MARCO ORLANDO, CASE NO. 98-2673

Appeal from 15 working days suspension

Department of Education

Sustaining Suspension

ANDREA McCARRON, CASE NO. 97-4716

Appeal from demotion

ANDREA McCARRON, CASE NO. 98-1798

Appeal from dismissal

Department of Forestry and Fire Protection

ACTION: Stipulation Approved

THOMAS BENSON, CASE NO. 98-2180

Appeal from 60 working days suspension

Department of Corrections

ACTION: Board adopted finding of fact, but revoked suspension

ROBERT CENDEJAS, CASE NO. 98-2260

Appeal from 30 working days suspension

Department of Corrections

ACTION: Board adopted findings of fact, but modified penalty to 5 working days suspension

SONIA MORA, CASE NO. 98-2559
Appeal from 15 working days suspension
Department of Corrections
ACTION: Suspension Revoked

PETITION FOR REHEARING

RICHARD CHAVEZ, CASE NO. 98-0069
Appeal from dismissal
Department of Corrections
ACTION: Petition for rehearing filed by Appellant Denied

FRED D. GIPSON, CASE NO. 98-0788
Appeal from dismissal
Franchise Tax Board
ACTION: Petition for rehearing filed by Appellant Denied

THOMAS MARSHALL, CASE NO. 98-1336
Appeal from non-renewal of employment
California State Polytechnic University, Pomona
ACTION: Petition for rehearing filed by Appellant Granted

14. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION. (See pages 19-21)
15. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On January 5, 1999, the Board adopted the following decisions
presented by Walter Vaughn, Executive Officer, California
State Personnel Board.
VOTE: Bos, Carpenter, Alvarado, Ward - Aye.
 - A. DEMETRIA SANDERS, Case No. 98-0424
The appeal of Demetria Sanders from the action of the
Department of Corrections to withhold her name from
certification to the eligible list for Correctional
Officer.

ACTION: DENIED
 - B. RAUL C. HERRERA, Case No. 98-2532
The appeal of Raul C. Herrera from the action of the
California Highway Patrol to withhold his name from

certification to the eligible list for Cadet,
California Highway Patrol.

ACTION: DENIED

- C. SAMUEL ORTEGA, Case No. 96-2994.
The appeal of Samuel Orgeta of his discrimination
complaint against the Employment Development
Department.

ACTION: DENIED

- D. CHARLES HUGHES, Case No. 96-3529
The appeal of Charles Hughes of his sexual
harassment/retaliation complaint against the Department
of Corrections.

ACTION DENIED

PETITIONS FOR REHEARING

- E. JERRY FRIEDLANDER, Case No. 98-4101
Petition for rehearing of the appeal of Jerry
Friedlander of the decision of the State Personnel
Board to deny his appeal of the Deputy Attorney General
(DAG) IV examination.

ACTION: DENIED

WITHHOLD DENIAL CASES

- * HERIBERTO CAVAZOS, Case No. 98-2775
Classification: Correctional Officer
ACTION: DENIED
- * MICHAEL W. SAUER, Case No. 98-2330
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- * DALE E. SMITH, Case No. 98-2778
Classification: Correctional Officer
ACTION: DENIED
- * JOSE G. CHAVEZ, Case No. 98-2743
Classification: Cadet, California Highway Patrol
ACTION: DENIED

DISMISSED CASES

- * RODNEY J. WILLIAMS, Case No. 98-3695
Classification: Medical Technical Assistant/CF
ACTION: No timely response to SPB staff's request for additional information.
- * SELIM ZEYREK, Case No. 98-1907
Classification: Water Resources Control Engineer
ACTION: Appellant did not confirm appearance for scheduled hearing.
- * JON M. WELDON, Case No. 98-4567
Classification: Correctional Officer
ACTION: Department withdrew action.

16. MEDICAL APPEALS

On January 5, 1999, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. FE Y. CORPUZ, Case No. 97-3870
The appeal of Fe Y. Corpuz from the Department of Developmental Services medically disqualifying her from employment as a Psychiatric Technician.

ACTION: DENIED

- B. CAROLYN GLENN, Case No. 97-5213
The appeal of Carolyn Glenn from the Department of Corrections medically disqualifying her from employment as a Correctional Counselor I.

ACTION: GRANTED

- C. ROBERTA SCHWARZ, Case No. 97-2514
The appeal of Roberta Schwarz from the Department of Social Services' denial of her reasonable accommodation as a Licensing Program Analyst.

ACTION: DENY

- D. ANDREW H. CIRNER, Case No. 97-5185

The appeal of Andrew H. Cirner from the Department of Mental Health psychologically disqualifying him from employment as a Hospital Peace Officer.

ACTION: DENIED

- E. IRA TATE, Case No. 97-5264
The appeal of Ira Tate from the Department of Corrections to medically disqualifying her from employment as a Medical Technical Assistant.

ACTION: DISMISSED

- F. JUDITH GIOVANNONI, Case No. 97-3796
The appeal of Judith Giovannoni from the Department of Motor Vehicles denial of her reasonable accommodation as a Key Data Operator.

ACTION: DENIED

DISMISSAL CASE

- * CINDY YEE, Case No. 98-3660
ACTION: DISMISSED - Appellant withdrew action.
- * SEAN CARTER, Case No. 97-3784
ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing.
- * GLEN STROMBERG, Case No. 98-4115
ACTION: DISMISSED - Appellant did not confirm appearance for scheduled hearing.
- * MIKE MORGAN, Case No. 98-3955
ACTION: DISMISSED - Appellant did not appear for scheduled hearing.

17. EXAMINATION APPEALS

On January 5, 1999, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. JOHN D. DRAPER, Case No. 97-3875908
Final Filing Date: NO BULLETIN IN FOLDER
Examination: NO BULLETIN IN FOLDER
Class: Vocational Rehabilitation Counselor
Testing Agency: Department of Rehabilitation

Appeal Received: September 04, 1997
ACTION: GRANTED

DISMISSAL CASE

- A. ANDREW POZZI, Case No. 98-2895
Final Filing Date: NO BULLETIN IN FOLDER
Examination: NO BULLETIN IN FOLDER
Class: Staff Service Analyst Exam
Testing Agency: State Personnel Board
Appeal Received: July 21, 1998
ACTION: DISMISSED - Appellant withdrew his appeal
- B. WILLIAM R. VERNON, Case No. 97-4805
Final Filing Date: Continuous
Examination: Associate Governmental Program
Analyst Promotional Exam
Class: Staff Service Analyst Exam
Testing Agency: Employment Development Department
Appeal Received: November 21, 1997
ACTION: DISMISSED - Appellant did not confirm
appearance for scheduled hearing

18. MERIT ISSUE COMPLAINT APPEALS

On January 5, 1999, the Board adopted the following decisions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. DRAGAN BUHA, Case No. 97-4498
Issue: The appellant's appointment to Range C was an illegal appointment. Department is attempting to collect monies paid to appellant resulting from their error.
ACTION: DISMISSED - Department should correct appellant's appointment documents back to the original date of the illegal appointment.

19. REQUEST TO FILE CHARGES CASES

On January 5, 1999, the Board took the following actions presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

- A. PETITIONER: Tony Arcuri, a former employee of the Department of Mental Health
ACTION: DENIED

- B. PETITIONER: Cherryl L. Churchill-Stanland, an employee of the Department of Corrections
ACTION: DENIED
- C. PETITIONER: Elizabeth and Robert Feller, private citizens
ACTION: DENIED
- D. PETITIONER: Joseph Moctezuma, a Business Tax Representative with the Board of Equalization
ACTION: DENIED
- E. PETITIONER: Fred Gipson, a former Senior Compliance Representative with the Franchise Tax Board
ACTION: DENIED
- F. PETITIONER: Lajuanda Palmore, a Medical Technical Assistant with the Department of Corrections
ACTION: DENIED
- G. PETITIONER: Donald E. Parks, a private citizens
ACTION: DENIED
- H. PETITIONER: John Parker, Ph.D., a former employee of the Department of Parks and Recreation
ACTION: DENIED
- I. PETITIONER: Helen Peck, a Registered Nurse with the Department of the Youth Authority
ACTION: DENIED
- J. PETITIONER: George Shinn, an employee with the Department of Corrections
- K. PETITIONER: Clelen C. Tanner, D.D.S., a private citizen
ACTION: DENIED
- L. PETITIONER: Clelen C. Tanner, D.D.S., a private citizen
ACTION: DENIED
- M. PETITIONER: Kurt M. Velte, a Correctional Sergeant with the Department of Corrections
ACTION: DENIED
- N. PETITIONER: Ken Wong, an employee of the Department of Corrections
ACTION: DENIED

20. NON-HEARING CALENDAR

On January 5, 1999, the Board adopted items A-E. These items were presented by Walter Vaughn, Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

A. PROGRAM REVIEW ANALYST SERIES
FINANCE PROGRAM EVALUATOR

The Department of Finance proposes to revise and re-title the Program Review Analyst classification series to Finance Program Evaluator; revise the minimum qualifications to incorporate the full breadth of experience and knowledge required to complete the increasingly unique assignments and special studies in addition to the audit and oversight function and establish Alternate Range Criteria 400.

B. ASSOCIATE DEPUTY INSPECTOR GENERAL
DEPUTY INSPECTOR GENERAL
DEPUTY INSPECTOR GENERAL, SENIOR
DEPUTY INSPECTOR GENERAL, IN-CHARGE
DEPUTY INSPECTOR GENERAL SERIES

The Office of the Inspector General proposes to establish Associate Deputy Inspector General; Deputy Inspector General; Deputy Inspector General, Senior; Deputy Inspector General, In-Charge to be included in a new Deputy Inspector General Series specification. All classes are proposed to have a 12-month probationary period.

C. CHILD NUTRITION SUPERVISOR II
CHILD NUTRITION SERIES
SUPERVISING CHILD NUTRITION CONSULTANT
CHILD NUTRITION SUPERVISOR I

The Department of Education proposes to establish the new class of Child Nutrition Supervisor II with a twelve month probationary period as part of the Child Nutrition Series; to re-title the class of Supervising Child Nutrition Consultant to Child Nutrition Supervisor I; and to make minor revisions in the Child Nutrition series specification.

D. SPECIAL AGENT-IN-CHARGE

The Department of Corrections is requesting to amend a resolution adopted by the State Personnel Board on July 2, 1998, as set forth in item 14 (A) for the Special Agent-in-Charge, Department of Corrections.

- E. INDUSTRIAL SUPERVISOR, PRISON INDUSTRIES (KEY ENTRY)
The Prison Industry Authority is requesting to amend a prior action of the State Personnel Board on November 5, 1998 as set for in item 13 (A) for Industrial Supervisor, Prison Industries (Key Entry)

21. WRITTEN STAFF REPORT FOR BOARD INFORMATION

- A. THE 1997-98 ANNUAL CENSUS OF STATE EMPLOYEES AND AFFIRMATIVE ACTION REPORT FOR THE GOVERNOR AND THE LEGISLATURE.

ACTION: Report presented

A D J O U R N M E N T

SUBMITTED

1. PUBLIC HEARING TO RECEIVE ORAL AND WRITTEN INPUT ON REGULATIONS ON PERSONAL SERVICES CONTRACTS. (Hearing held September 1, 1998.)

NO ACTION

2. ENRIQUE BENTANCOURT, CASE NO. 97-4420. Appeal from dismissal. State Board of Control. (Oral argument held October 6, 1998.)

ACTION: On January 5, 1999 adopted Board decision sustaining dismissal.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

3. DEBORAH STALEY, CASE NO. 97-3226. Appeal from dismissal. Department of Food and Agriculture. (Oral argument held October 6, 1998.)

NO ACTION

4. JUDY MCGUIRK, CASE NO. 97-4120. Appeal from dismissal. Department of Developmental Services. (Oral argument held October 6, 1998)

NO ACTION

5. DORIS JONES, CASE NO. 97-5107. Appeal from constructive medical termination. Department of Transportation. (Oral argument held November 5, 1998.)

NO ACTION

6. JESSE BROWN, CASE NO. 98-0384. Appeal from medical termination. Department of General Services. (Oral argument held November 5, 1998.)

NO ACTION

7. ROBERT DAVIS, CASE NO. 97-2572. Appeal from dismissal. Department of Corrections. (Oral argument held November 5, 1998.)

NO ACTION

8. LEANNE R. CALIGIURI, CASE NO. 98-1236. Appeal from dismissal. State Board of Equalization. (Oral argument held December 8, 1998.)

NO ACTION

9. NHUT MING NGUYEN, CASE NO. 98-0304. Appeal from 30 working days suspension. Department of General Services. (Oral argument held December 8, 1998.)

NO ACTION

10. BARBARA J. RIESS, CASE NO. 98-1004. Appeal from rejection. Department of Corrections. (Oral argument held December 8, 1998.)

NO ACTION

11. EARL T. BRYANT, JR., CASE NO. 98-0849. Appeal from demotion. Department of the Youth Authority. (Oral argument held December 8, 1998.)

NO ACTION

12. KEVIN JACKSON, CASE NO. 98-0075. Appeal from dismissal. Department of Mental Health. (Oral argument held December 8, 1998.)

NO ACTION

13. LOREEN K. BLYTHE, CASE NO. 97-3767. Appeal from dismissal. Department of Motor Vehicles. (Written argument presented December 8, 1998.)

ACTION: On January 5, 1999 adopted Board decision revoking dismissal.

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.

14. SUSAN ALEXANDER, CASE NO. 97-0100. Appeal from constructive medical termination. Department of Fish and Game. (Oral argument held December 8, 1999.)

NO ACTION

15. ADMINISTRATIVE PROGRAMS "DEEP" CLASSES. (Hearing held December 10, 1999.)

NO ACTION

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

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January 5, 1999

I hereby certify that the State Personnel Board made and adopted the
Preceding resolution at its meeting on January 5, 1999.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Carpenter, Alvarado, Ward - Aye.